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DOCKET NO. 36641

APPLICATION OF CT CUBE, L.P. D/B/A §
CENTRAL WIRELESS AND D/B/A RIGHT §
WIRELESS TO AMEND ITS §
DESIGNATION AS AN ELIGIBLE §
TELECOMMUNICATIONS CARRIER §
PURSUANT TO P.U.C. SUBST. R. 26.418 §

PUBLIC UTILITY COMMISSION
OF TEXAS

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ORDER NO. 3
NOTICE OF APPROVAL OF AMENDMENT TO DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER

Procedural History

On January 26, 2009, CT Cube, L.P. d/b/a Central Wireless and d/b/a Right Wireless (CT Cube or the Company) filed an application to amend its designation as an eligible telecommunications carrier (ETC), pursuant to P.U.C. SUBST. R. 26.418. CT Cube obtained its ETC designation throughout the non-rural telephone company wire centers of Verizon Southwest. CT Cube seeks to amend its ETC designation to include five additional wire centers as shown in Attachment D to its application.

CT Cube is a facilities-based provider of Commercial Mobile Radio Service (CMRS) as licensed by the Federal Communications Commission, and currently provides CMRS within its licensed service territory in Texas, which encompasses the entire geographic area of the Texas counties of Coke, Crockett, Irion, Mitchell, Nolan, Runnels, Schleicher, Sterling, and Tom Green. Additionally, CT Cube provides traditional cellular services under the name West Central Wireless. The Company also provides pre-paid cellular services throughout the same service area using the same facilities under the name Right Wireless.

Designation as Eligible Telecommunications Carrier

To qualify for ETC status, a carrier must meet the following criteria:¹

1. The carrier must be a common carrier, as that term is defined by the Federal Telecommunications Act of 1996 (FTA), Section 3(10). CT Cube is a common carrier as defined by the Federal Telecommunications Act, Section 3(10).

¹ 47 C.F.R. § 54.201(b)-(d).

2. The carrier must offer the following services² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - (a) voice grade access to the public switched network;
 - (b) local usage;
 - (c) dual tone multi frequency signaling or its functional equivalent;
 - (d) single party service or its equivalent;
 - (e) access to 911 or enhanced 911;
 - (f) access to operator services;
 - (g) access to interexchange service;
 - (h) access to directory assistance; and
 - (j) toll limitation for qualifying low income customers.
3. The carrier must advertise the availability of the above services and charges for the services in a media of general distribution.⁴ CT Cube advertises in newspapers, on television and billboards, and via the Internet.
4. The carrier will provide Lifeline and Link Up services and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.
5. Public Interest Analysis – Pursuant to P.U.C. SUBST. R. 47 C.F.R. 54.201(c), prior to designating an additional ETC for an area served by a rural telephone company, the state commission shall find that the designation is in the public interest. CT Cube is not seeking designation in any rural telephone company study area; therefore it is not necessary to demonstrate that its ETC designation is in the public interest.

In prior ETC proceedings, the Commission found that a CMRS provider must take certain additional steps to provide service in any portion of its designated service area where signal coverage is unsatisfactory. CT Cube has committed continued compliance with any and all future applicable Commission rules related to ETC designees.

² 47 C.F.R. § 54.101.

³ 47 C.F.R. § 54.201.

⁴ 47 C.F.R. § 54.201.

Ordering Paragraphs

Staff's analysis of the application concludes that CT Cube meets all of the requirements established by the FCC and P.U.C. SUBST. R. 26.418 for an amendment to its designation as an ETC.

Based on Staff's recommendation, pursuant to P.U.C. SUBST. R. 26.418, CT Cube's application to amend its ETC designation is approved.

SIGNED AT AUSTIN, TEXAS the 16th day of March 2009.

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE